

## Message Text

PAGE 01 STATE 191436

44

ORIGIN L-03

INFO OCT-01 AF-06 ARA-10 EUR-12 EA-09 NEA-10 ISO-00 OES-05

FEA-01 ACDA-10 AGR-10 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-02 OFA-01 COME-00 DLOS-04 DODE-00 DOTE-00

EB-07 EPA-04 ERDA-07 FMC-02 TRSE-00 H-02 INR-07

INT-05 IO-10 JUSE-00 NSAE-00 NSC-05 NSF-02 OMB-01

PA-02 PM-04 PRS-01 SP-02 SS-15 USIA-15 /182 R

DRAFTED BY L/OES/JRCROOK: SCH

APPROVED BY L/OES - BHOXMAN

AF - COL. COYKENDALL

NEA/RA - MR. HOBBS

EUR/RPE - MR. WOLFE

ARA/ECP - MRS. FOUTS

----- 051250

R 131255Z AUG 75

FM SECSTATE WASHDC

TO AMEMBASSY BONN

AMEMBASSY PARIS

AMEMBASSY ABIDJAN

AMEMBASSY LONDON

AMEMBASSY SANTO DOMINGO

AMEMBASSY STOCKHOLM DAKAR

AMEMBASSY SUVA

AMEMBASSY MONROVIA

AMEMBASSY BEIRUT

AMEMBASSY RABAT

AMEMBASSY DAMASCUS

AMEMBASSY OSLO

AMEMBASSY COPENHAGEN

INFO AMEMBASSY ALGIERS

UNCLAS STATE 191436

UNCLASSIFIED

PAGE 02 STATE 191436

E.O. 11652: N/A

TAGS: EWWT

SUBJECT: INTERNATIONAL CIVIL LIABILITY CONVENTION

1. ON JUNE 19, THE INTERNATIONAL CONVENTION FOR CIVIL LIABILITY FOR OIL POLLUTION DAMAGE ENTERED INTO FORCE. THE U.S. HAS SIGNED THE CONVENTION, BUT IT HAS NOT YET BEEN RATIFIED BY THE SENATE. IN TRANSMISSION OF RECENT DOMESTIC LEGISLATION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, PRESIDENT FORD URGED EXPEDITIOUS SENATE ACTION ON THE CONVENTION, BUT U.S. RATIFICATION AND IMPLEMENTATION NOT LIKELY UNTIL NEXT YEAR AT EARLIEST.

2. UNDER ARTICLE VII(II) OF THE CONVENTION, CONTRACTING PARTIES ARE REQUIRED TO ASSURE UNDER THEIR NATIONAL LEGISLATION THAT INSURANCE OR OTHER SECURITY IS IN FORCE WITH RESPECT TO ANY SHIP, WHEREVER REGISTERED, ENTERING OR LEAVING A PORT IN ITS TERRITORY, IF THE SHIP ACTUALLY CARRIES MORE THAN 2,000 TONS OF OIL IN BULK AS CARGO. THE AMOUNTS OF SUCH SECURITY OR INSURANCE ARE ESTABLISHED BY THE CONVENTION. CONTRACTING STATES ARE REQUIRED TO RECOGNIZE CERTIFICATIONS GIVEN BY OTHER CONTRACTING STATES TO THEIR OWN SHIPS, BUT, AS NOTED, U.S. IS NOT YET A PARTY TO THE CONVENTION.

3. UNDER U.S. LAW, FEDERAL MARITIME COMMISSION ISSUES CERTIFICATES OF FINANCIAL RESPONSIBILITY TO U.S. FLAG VESSELS. THESE CERTIFICATES ARE ISSUED PURSUANT TO SECTION 311 OF THE FEDERAL WATER POLLUTION CONTROL ACT, WHICH REQUIRES VESSELS TO MAINTAIN PROOF OF FINANCIAL RESPONSIBILITY FOR LIABILITY TO THE UNITED STATES FOR CLEAN-UP COSTS RESULTING FROM OIL DISCHARGES. THE POTENTIAL LIABILITY UNDER SECTION 311 IS LIMITED TO LIABILITY FOR CLEAN-UP COSTS AND NOT FOR DAMAGES TO PERSONS OR PROPERTY WHICH MAY RESULT FROM A DISCHARGE OF OIL. ACCORDINGLY, PROOF OF FINANCIAL RESPONSIBILITY FOR PURPOSES OF SECTION 311 MAY NOT BE REGARDED BY CONTRACTING STATES AS ADEQUATE TO MEET REQUIREMENTS OF ARTICLE VII(II) OF CONVENTION.

4. ADDRESSEE POSTS ARE REQUIRED TO CONTACT APPROPRIATE HOST COUNTRY OFFICIALS TO DETERMINE REGULATIONS AND PRO-  
UNCLASSIFIED

PAGE 03 STATE 191436

PROCEDURES FOR PORT CERTIFICATION UNDER SECTION VII(II) OF LIABILITY CONVENTION. IN PARTICULAR, POSTS ARE REQUESTED TO DETERMINE (1) WHETHER HOST COUNTRY WILL REGARD U.S. CERTIFICATES OF FINANCIAL RESPONSIBILITY AS SUFFICIENT TO MEET THE REQUIREMENTS OF THE CONVENTION; (2) WHETHER HOST COUNTRY WILL ACCEPT CERTIFICATIONS MADE BY OTHER CONTRACTING STATES AS ADEQUATE FOR PORT ENTRY, AND, IF SO, FROM WHICH CONTRACTING STATES; AND (3) PROCEDURES WHICH SHOULD BE FOLLOWED BY U.S. SHIPS TO COMPLY WITH CONVENTION REQUIREMENTS.

5. (FYI. PRACTICES OF CONTRACTING STATES REGARDING RECOGNITION OF CERTIFICATES ISSUED BY OTHER CONTRACTING STATES

SEEM TO VARY CONSIDERABLY. SOME PARTIES MAY RECOGNIZE  
CERTIFICATIONS GIVEN BY OTHER CONTRACTING STATES TO SHIPS  
OF NON-PARTIES, WHILE OTHERS REQUIRE THEIR OWN CERTIFI-  
CATION. END FYI). KISSINGER

UNCLASSIFIED

<< END OF DOCUMENT >>

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 26 AUG 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** INTERNAT CIVIL LIABILITY CONVENTION, MARINE TRANSPORTATION, OIL SPILLS, PETROLEUM, POLICIES, POLLUTION  
CONTROL, TREATY RATIFICATION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 13 AUG 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE191436  
**Document Source:** ADS  
**Document Unique ID:** 00  
**Drafter:** L/OES/JRCROOK:SCH  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** n/a  
**Film Number:** D750279-0829  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t197508100/baaaaarwh.tel  
**Line Count:** 115  
**Locator:** TEXT ON-LINE, TEXT ON MICROFILM  
**Office:** ORIGIN L  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ellisoob  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 26 FEB 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <26 FEB 2003 by ReddocGW>; APPROVED <09 FEB 2004 by ellisoob>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** <DBA CORRECTED> gwr 971002  
**Subject:** n/a  
**TAGS:** EWWT, US  
**To:** BONN  
PARIS  
ABIDJAN  
LONDON  
SANTO DOMINGO

STOCKHOL DAKAR  
SUVA  
MONROVIA  
BEIRUT  
RABAT  
DAMASCUS  
OSLO  
COPENHAGEN INFO ALGIERS

**Type:** TE

**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006